

REMARKS/ARGUMENTS

Review and reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, applicant amends claims 11, 19 and 23 and cancels claims 16 and 17 without prejudice. Accordingly, claims 11, 13-15, 19, 20, 22-30 stand pending in this application. Reconsideration and allowance is respectfully requested.

Initially, it is noted that the applicant submitted a PTO-1449 that was considered by the examiner on May 24, 2005. However, the examiner did not initial the "Patent Abstracts of Japan" listed in the "Other References" section. A copy of the PTO-1449 is attached for the convenience of the examiner. Applicants respectfully request a copy of the PTO-1449 with the examiner's initials indicating that the "Patent Abstracts of Japan" were considered by the examiner.

In the Official action, the examiner rejected claims 23-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have added the word "the" before "management means" in the last paragraph of claim 23. Applicants therefore submit that claims 23-25 are in fully compliance with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection of the claims in this regard.

The examiner further rejects claims 11, 13, 16, 22 and 26-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,736,826 to White in view of U.S. Patent No. 5,324,948 to Dudar et al. The examiner further rejects claims 11, 13-16, 27 and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,747 to Wada et al. in view of

Dudar et al. Still further, the examiner rejects claims 23-25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Wada et al. in view of White et al.

Applicants appreciate the examiners indication of allowable subject matter with respect to claims 17 and 19-20. In an effort to expedite prosecution of the application, claims 17 and 16 have been incorporated into claim 11. Moreover, the dependency of claim 19 has been changed to claim 11. Applicants therefore respectfully requests withdrawal of the corresponding rejections of claims 11, 13-15, 19, 20 and 22 set forth above. Applicants further respectfully request allowance of claim 11 and claims 13-15, 19, 20 and 22 depending directly or indirectly from independent claim 11.

It is also set forth that U.S. Patent No. 6,275,747 to Wada et al. applied in the rejections by the examiner under 35 U.S.C. § 103(a) has a 35 U.S.C. § 102(e) reference date. Thus any rejection under 35 U.S.C. § 103(a) applied by the examiner involving Wada et al. may be overcome by removing Wada et al. as a reference in the same manner as overcoming a rejection under 35 U.S.C. § 102(e). MPEP 706.02(b)(E) states that a rejection based on patent available as a reference under 35 U.S.C. § 102(e) can be overcome by establishing that the foreign filing date antedates the reference filing date and perfecting the filing date. MPEP 706.02(b)(E) further states that, in order to perfect the filing date, a certified copy of the priority document and, if not in English, an English translation are to be filed. Once the certified copy and the English translation are submitted and the examiner is satisfied that the priority document satisfies the enablement and description requirements of 35 U.S.C. § 112, first paragraph, the reference is removed as a prior art reference. First, it is noted that the present application claims foreign priority of French application No. 9814141 filed November 10, 1998 which antedates the effective U.S. filing date of November 13, 1998 of Wada et al. Moreover, enclosed herewith is a

a certified copy of French application No. 9814141 together with an English translation of the document that establishes support under 35 U.S.C. § 112, first paragraph. Applicants thereby submit that the foreign priority of this application has been perfected and that Wada et al. has been removed as a reference. Moreover, as the applicants have perfected foreign priority, it is submitted that WIPO international publication number WO 99/49785 is not effective as a reference under 35 U.S.C. § 102(a) since the November 10, 1998 priority date predates the March 30, 1999 filing date of WO 99/49785.

As Wada et al. has been removed as an effective reference, applicants thereby respectfully request withdrawal of the corresponding rejections of the claims under 35 U.S.C. § 103(a) as being unpatentable over Wada et al. in view of Dubar et al. and Wada et al. in view of White et al.

Further with respect to claims 28-30, applicants respectfully traverse the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over White et al. in view of Dudar et al. For example, with respect to claim 28, the references applied by the examiner apparently fail to teach or suggest the combination of limitations of claim 28 including two power supply sources that are configured to operate redundantly such that each power supply source is “capable of replacing” the other power supply source to provide power to the electronic circuit boards to determine movements to be made by the manipulation equipment (41) if the other power supply source becomes defective. In fact, White teaches that two power supply sources are not configured such that they are “capable of replacing” each other; rather, White et al. apparently teaches that one power supply is only configured to supplement, rather than replace, the other power supply. Indeed, column 3 states that the cable is not capable of replacing the battery since the “cable would usually be too heavy and difficult to accommodate on its storage reel.” (See

column 3, lines 65-68). Accordingly, at least for this reason, applicants respectfully request withdrawal of the corresponding rejection of claims 28 and 29 under White et al. in view of Dudar et al. and allowance of these claims.

With respect to claim 30, the examiner states that it would have been obvious for White to use a lead base plate to protect the robot against floor radiation as taught by Dudar et al. Initially, it is noted that a “lead” base plate is not specifically mentioned in either reference and not required by claim 30. Moreover, Dudar et al. only discloses a shield 116 to shield a detector 114 from detectors 110 and 112 and to prevent detector 114 from detecting floor contamination. The purpose of the shield of Dudar et al. is to enhance radiation detection of components by detectors. In contrast, the subject invention includes control means configured such that a control box and supply box are substantially shielded from gamma rays from a radioactive source. Accordingly, there is simply no suggestion or motivation for the examiner to modify the teachings of White with the teachings of Dudar et al. as disclosed. Any such modification would necessarily require improper hindsight reasoning, using the applicants’ own disclosure as a roadmap in an effort to arrive at the instant invention. At least for this reason, applicants respectfully request withdrawal of the corresponding rejection of claim 30 and allowance of the claim.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/831,084
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Reply to Office action of September 18, 2006

If there are any additional fees resulting from this communication, please charge same to
our Deposit Account No. 16-0820, our Order No. 33486.

Respectfully submitted,

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